

June 25, 2020

Mark D'Ambrosio
9815 E. Buteo Drive
Scottsdale, Az 85255

By Certified Mail

The Honorable Joseph F. Bianco
United States Circuit Judge
for the Court of Appeals, Second Circuit 100 Federal Plaza
Central Islip, New York 11722

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 06 2020 ★

LONG ISLAND OFFICE

Re: United States v. Philip A. Kenner and Tommy C. Constantine Criminal Docket No.
13-607 (JFB) (EDNY)

Third-Party Claim to Forfeited Diamante Assets

Dear Judge Bianco,

In 2006 I was approached by Tommy Constantine about a unique opportunity to invest in a new 1500 Acre Golf Property with 5 miles of beachfront located in Cabo San Lucas. The opportunity had a short window to participate, so I was asked to wire \$100,000 to an account owned by Robert Gaudet. My understanding at that time, I was to receive a 1% interest in Diamante Life development, and I would receive paperwork to show/record my investment in the following days of my wire.

I never received any documentation from Tommy, Phil, or Robert to materialize my investment. I continued to ask for supporting documentation, and I was always told not to worry that my investment was on the record.

Please see the attached supporting wiring email instructions and wire receipt regarding my investment in Diamante Life Cabo.

Sincerely,



cc: (via certified mail)
AUSA Diane Leonardo
FSA Asset Forfeiture Paralegal Kristin Lake
United States Attorney's Office
Eastern District of New York
610 Federal Plaza
Central Islip, NY, 11722

RECEIVED

JUL 06 2020

EDNY PRO SE OFFICE

**Washington Mutual****Confirmation of International Wire Transfer in US Dollars Order**

Customer Information:		Date: 10/20/2006
Name: MARK D'AMBROSIO		
Authorized Representative Name:		
Address:		
6812 E JOAN DE ARC AVE		SCOTTSDALE, AZ 852544016
Fax Number:	Phone Number: (480) 443-7682	
WIRE APPROVAL/CONFIRMATION AND FC INFORMATION:		
Name: SCOTTSDALE - KIERLAND VILLAGE		Phone Number: (480) 315-2905
Address:		
6501 E GREENWAY PKWY STE 133		SCOTTSDALE, AZ 852542068
Fax/Phone Wire Request Confirmed with (Customer/AR/AIF):		
Time:	Date:	FC Representative Name:

Thank you for banking with Washington Mutual.

This serves as a confirmation for an International Wire in US Dollars

Your account will be debited on: 10/20/2006

You must contact the Bank immediately at the center noted above if any information contained in this confirmation is inconsistent with your records.

Beneficiary Bank: Banco Santander Serfin SA
 Beneficiary Name: Robert Gaudet
 Beneficiary Account Number: 83500388716
 Wire Amount: \$100,000.00
 Country: Mexico

By Order of: MARK D'AMBROSIO
 Amount Debited: \$100,000.00
 Fee: \$0.00

X Transaction Reference Number: VB00003383955276
 Correspondent Bank: JPMORGAN CHASE BANK, NA

Account number: 031300002775591

Agent Name: SARA DENNIS

From: phil kenner [phil@standardadvisors.com]
Sent: Wednesday, October 18, 2006 11:45 AM
To: Tommy Constantine
Subject: Wire to Baja

Banking online
 with us is secure,
 fast and easy...
 and it's
 FREE!
 Go to wamu.com to
 Log in or Sign up!
 Transaction Summary

\$100,000 to:

BANCO JP MORGAN CHASE
 CIUDAD NEW YORK

ABA 021000021
 SWIFT CHASUS33
 Cuenta 83-50038871-6

CUENTA CLABE 014045835003887161
 BENEFICIARIO Robert Gaudet

INSTRUCCIONES ESPECIALES: BANCO SANTANDER SERFIN SA
 REF 400047144 BMSXMXMM
 DIRECCION DEL JP MORGAN CHASE:
 4 NEW YORK PLAZA FLOOR 15
 NEW YORK N.Y.

Call me to discuss. I will be in the Vegas office/hangar with Kenny today.
 Pk

Acct #XXXXXXXXXX5091 Seg #014
 Deposit: \$100,000.00

Washington Mutual Bank
 SCOTTSDALE - KIERLAND VILLAGE, #438
 1-800-788-7000
 FDIC Insured, Equal Housing Lender
 Please retain your receipt.
 10:37 CDH 105 10/20/2006
 Thank you, SARA

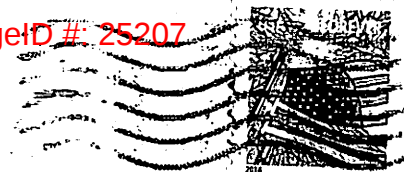


**LINE OF CREDIT DRAFT
 FROM LINE OF CREDIT**

ACCOUNT NUMBER 0681625679		CUSTOMER NAME Mark D' Ambrosio	
Pay to the order of : CASH ONLY		DATE 10/20/06	ADVANCE AMOUNT \$ 100.000 -
One hundred thousand dollars 100/100		DOLLARS	
BRANCH OF ORIGINATION BR # 338 <input checked="" type="checkbox"/> Washington Mutual <input type="checkbox"/> Washington Mutual Bank fsb		SUPERVISOR APPROVAL	
FUNDS DISBURSED <input type="checkbox"/> Cash <input type="checkbox"/> Bank Check <input checked="" type="checkbox"/> Other dep		VERIFIED: 10-20-06 013 10/20/06 <input type="checkbox"/> No Block Codes <input type="checkbox"/> Available Credit <input type="checkbox"/> Not Past Due	
I hereby authorize the originating bank or its agent to advance funds from my Line of Credit in the above amount, and I acknowledge receipt of those funds.		CUSTOMER SIGNATURE 	

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